

## REMARKS

Claims 15-19, 28, 31 and 32 have been amended to correct dependency. Claims 1-32 are pending.

Also enclosed herewith is a copy of the ATCC deposit receipt for Alfalfa J-101 (PTA-4814) and Alfalfa J-163 (PTA-4815).

Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11899.0237.PCUS00.

Respectfully submitted,



Patricia A. Kammerer

Reg. No. 29,775

Attorney for Assignee

MONSANTO TECHNOLOGY LLC

CUSTOMER No. 45607  
HOWREY LLP  
1111 Louisiana, 25<sup>th</sup> Floor  
Houston, TX 77002-5242  
(713) 787-1400  
(713) 787-1440 (fax)

Date: January 4, 2006

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Monsanto Company BBIL  
Attn: E. Clifford Lawson  
700 Chesterfield Pkwy  
Chesterfield, MO 63198

Deposited on Behalf of: Monsanto Technology LLC

Identification Reference by Depositor:

Patent Deposit Designation

Medicago sativa, Alfalfa: J101

PTA-4814

(Ref: Case No.: 38-21(53220))

Medicago sativa, Alfalfa: J-163

PTA-4815

(Ref: Case No.: 38-21(53220))

Bentgrass (Agrostis stolonifera): ASR368

PTA-4816

(Ref: Case No.: 38-21(53216))

The seeds were accompanied by:    a scientific description a proposed taxonomic description indicated above. The seeds were received November 22, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested December 2, 2002. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

*Marie Harris*

Marie Harris, Patent Specialist, ATCC Patent Depository

Date: January 6, 2003

cc: Grace Bonner  
(Ref: Docket or Case No.: 38-21(53220))